IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7233 OF 2002.

M/s.Hitech Engineers. ... Petitioner.

V/s.

Shri Vishwananth K. Tandel. ... Respondent.

A.S.Parulekar for the petitioner.

D.S.Joshi i/b. I.R.Kulkarni for the respondent.

CORAM: V.C.DAGA, J.

DATED: 29th November 2005.

P.C.:

. Heard learned counsel for the petitioner.

Perused petition and impugned order.

2. Having seen the impugned order, no fault can be found with the view taken by the Fourth Labour Court, Thane. No case is made out to take contrary view.

3. One of the grounds on which the Labour Court found fault with the action of the petitioner- management is that no seniority list was produced on record to show that the principle of "last come first go" was followed.

4. Now, the learned counsel for the petitioner brought to my notice the seniority list

produced at Exh.4 which contains the names of seven employees. As against this, if one turns to the cross-examination of the respondent (para-2, page-23), it is clear that the petitioner-management had put its case to the witness that seven workers including the respondent were terminated by the Company. If that be so, then the seniority list ought to have included names of those persons. It is, thus, clear that the seniority list (Exh.4) produced on record does not go hand in hand with the case sought to be made out by the petitioner- management in the cross-examination of the respondent. Thus, the seniority list produced before this Court for the first time cannot be accepted.

5. In this view of the matter, the view taken by the Labour Court on the material existing before it is a reasonable and possible view. No case is made out to interfere with the impugned order.

6. In the result, petition is dismissed in limine with no order as to costs.

(V.C.DAGA, J.)